

VZCZCXYZ0002
RR RUEHWEB

DE RUEHEGA #1170 1091632
ZNY CCCCC ZZH ZUI RUEWMCE1341 1091625
R 191632Z APR 07
FM AMEMBASSY CAIRO
TO RUEHC/SECSTATE WASHDC 0000
INFO ARAB ISRAELI COLLECTIVE
ARAB LEAGUE COLLECTIVE

C O N F I D E N T I A L CAIRO 001170

SIPDIS

SIPDIS

NSC FOR WATERS

E.O. 12958: DECL: 04/19/2017
TAGS: [PGOV](#) [KDEM](#) [PREL](#) [KJUS](#) [PTER](#) [EG](#)
SUBJECT: SNAPSHOT OF UPCOMING LEGISLATION

REF: A. CAIRO 671
[1](#)B. CAIRO 749

CLASSIFIED BY: DEPUTY CHIEF OF MISSION STUART JONES,
FOR REASONS 1.4 (B) AND (D)

[1](#)1. (C) SUMMARY: EGYPT'S PARLIAMENT WILL CONSIDER AN ARRAY OF SIGNIFICANT POLITICAL LEGISLATION DURING ITS CURRENT SESSION (WHICH ENDS APRIL 24 FOR THE SHURA COUNCIL, AND JULY 15 FOR THE PEOPLE'S ASSEMBLY), AS WELL AS IN THE SUBSEQUENT SESSION (BEGINNING NOVEMBER 15). SEVERAL OF THE LAWS ARE THE LEGAL FOLLOW-ON TO THE RECENT CONSTITUTIONAL AMENDMENTS (REF A), PROVIDING THE MEANS TO PRACTICALLY IMPLEMENT THE CONSTITUTIONAL CHANGES. THIS CABLE DETAILS THE STATE OF PLAY ON A FEW KEY PIECES OF LEGISLATION. GIVEN THE TIGHT LEGISLATIVE TIMELINE, AND THE GOE'S RIGOROUS CONTROL OF THE DRAFTING PROCESS, WE ARE UNLIKELY TO BE ABLE TO IMPACT THE LAWS SET TO BE PASSED THIS PARLIAMENTARY SESSION. WE THEREFORE PLAN TO FOCUS ON THE LEGISLATION SCHEDULED FOR THE NEXT SESSION, AND WILL CONTINUE TO WORK TO INFLUENCE POSITIVELY THE ANTI-TERROR LAW AND ELECTORAL LAW IN PARTICULAR, URGING THE GOE TO ADHERE TO INTERNATIONAL STANDARDS ON HUMAN RIGHTS AND POLITICAL FREEDOMS. HOWEVER, GIVEN EGYPTIAN REFUSAL TO BROOK "INTERFERENCE," OUR ADVICE MAY WELL BE IGNORED. END SUMMARY.

LAWS TO BE PASSED IN THE CURRENT
PARLIAMENTARY SESSION

[1](#)2. (C) THE FOLLOWING LAWS ARE EXPECTED TO BE DEBATED AND PASSED BY PARLIAMENT DURING ITS CURRENT SESSION. DUE TO THE RULING PARTYS COMMANDING PARLIAMENTARY MAJORITY, ONCE A DRAFT LAW IS PUT BEFORE THE FULL PARLIAMENT, THE SUBSTANCE OF THE LEGISLATION IS UNLIKELY TO CHANGE, REGARDLESS OF LEGISLATIVE DEBATE, EXCEPT IN THE RARE CIRCUMSTANCE OF PRESIDENTIAL INTERVENTION.

-- REVISION OF 1956 POLITICAL RIGHTS LAW: REFLECTING THE RECENT AMENDMENT TO CONSTITUTIONAL ARTICLE 88, WHICH ABROGATED DIRECT JUDICIAL SUPERVISION OF ELECTIONS (REFTEL), THIS LAW WILL BE AMENDED TO CREATE A SUPREME ELECTIONS COMMISSION (SEC), CHARGED WITH OVERSEEING ALL PARLIAMENTARY ELECTIONS (INCLUDING THE MID-JUNE SHURA COUNCIL ELECTIONS). NATIONAL DEMOCRATIC PARTY (NDP) CONTACTS TELL US THAT THE DRAFT LAW WILL BE SENT TO THE SHURA COUNCIL FOR REVIEW IN THE NEXT FEW DAYS. THE SHURA COUNCIL ADJOURNS APRIL 24 TO PREPARE FOR THE UPCOMING ELECTIONS, SO THE LAW MUST BE SUBMITTED FOR SHURA APPROVAL BY THEN. IT IS WIDELY ANTICIPATED THAT THE LAW WILL STIPULATE THAT SEC MEMBERS BE APPOINTED BY PRESIDENT HOSNI MUBARAK, IN HIS CAPACITY AS CHAIRMAN OF THE HIGHER COUNCIL OF JUDICIAL AUTHORITIES. THE LAW IS BEING DRAFTED BY A CLOSE CIRCLE OF RULING PARTY AND GOE OFFICIALS, AND DETAILS ARE NOT YET AVAILABLE, ALTHOUGH

NDP CONTACTS HAVE HINTED TO US THAT UNDER THE NEW LEGISLATION THERE WILL LIKELY NOT BE REPRESENTATIVES OF THE SEC IN EVERY POLLING STATION (AS WAS PREVIOUS PRACTICE BY EGYPTIAN JUDGES), BUT INSTEAD JUST IN EACH DISTRICT'S CENTRAL POLLING STATION. WHATEVER ITS COMPOSITION AND FRAMEWORK, DUE TO THE SPEEDY TIMELINE, WE DO NOT ANTICIPATE THE SEC WILL BE UP AND RUNNING IN TIME TO COORDINATE FULL OVERSIGHT OF THE JUNE SHURA ELECTIONS, SO THE INTERIOR MINISTRY WILL LIKELY PLAY A PROMINENT ROLE IN OVERSEEING THE BALLOTING (SEE ALSO REF B).

-- NEW SUPREME MILITARY APPEALS COURT LAW: THIS LAW WILL CREATE THE LEGAL AVENUE FOR A SINGLE APPEAL OF THE RULING OF A MILITARY TRIBUNAL, THROUGH THE ESTABLISHMENT OF A SUPREME MILITARY APPEALS COURT, LOCATED IN CAIRO AND COMPRISED OF A BOARD OF FIVE MILITARY JUDGES, HEADED BY THE CHAIRMAN OF THE MILITARY JUSTICE AUTHORITY (CURRENTLY, THERE IS NO MEANS TO APPEAL RULINGS ISSUED BY MILITARY TRIBUNALS). THE DRAFT LAW HAS ALREADY BEEN SUBMITTED TO PARLIAMENT, AND BEEN APPROVED BY THE PA'S COMMITTEES OF LEGISLATIVE AND CONSTITUTIONAL AFFAIRS AND DEFENSE AND NATIONAL SECURITY AFFAIRS; NOW IT IS SET TO BE APPROVED BY THE FULL SHURA COUNCIL AND, SUBSEQUENTLY, THE PEOPLE'S ASSEMBLY. THE LAW IS ALREADY BEING CRITICIZED BY OPPOSITION MP'S, WHO ARE DEMANDING THAT RATHER THAN INSTITUTING THIS LAW, THE PRACTICE OF TRANSFERRING CIVILIANS TO MILITARY TRIBUNALS SHOULD BE HALTED, AND BY THE INFLUENTIAL JUDGES CLUB, WHICH ASSERTS THAT THE LAW WOULD BE CREATING A "SECOND COURT OF CASSATION," WHICH IS EGYPT'S HIGHEST COURT OF APPEAL.

-- NEW LAW BANNING DEMONSTRATIONS IN MOSQUES: THIS LAW WILL PROHIBIT THE HOLDING OF DEMONSTRATIONS IN MOSQUES, AND IS CLEARLY AIMED AT PUTTING AN END TO THE REGULAR POST-FRIDAY PRAYERS DEMONSTRATIONS AT AL AZHAR AND OTHER MOSQUES, WHICH ARE WIDELY BELIEVED TO BE ORGANIZED BY THE MUSLIM BROTHERHOOD AND OTHER ISLAMIST GROUPS. THE LAW WAS PREPARED BY THE MINISTRY OF AWQAF, AND SENT ON APRIL 16 TO THE SHURA COUNCIL FOR REVIEW AND APPROVAL; IT WILL BE SUBSEQUENTLY DEBATED AND APPROVED BY THE PEOPLE'S ASSEMBLY.

ON TAP FOR THE NEXT PARLIAMENTARY SESSION

13. (C) THE FOLLOWING LAWS ARE EXPECTED TO BE DEBATED AND PASSED BY PARLIAMENT IN ITS NEXT SESSION (BEGINNING NOVEMBER 15).

-- REVISION OF ELECTORAL LAW: THIS LAW WILL DECIDE THE NEW SHAPE OF EGYPT'S ELECTORAL SYSTEM (NOT TO BE CONFUSED WITH THE ELECTIONS COMMISSION), A CONTENTIOUS ISSUE EVEN WITHIN THE NDP. THE NDP LEADERSHIP, CASTING A NERVOUS EYE AT THE ELECTORAL SUCCESS OF MUSLIM BROTHERHOOD (MB) "INDEPENDENTS," IS ADVOCATING A COMPREHENSIVE PARTY LIST SYSTEM, WHICH WOULD EFFECTIVELY CURTAIL THE MB'S PARTICIPATION IN ELECTIONS. HOWEVER, MANY NDP PARLIAMENTARIANS LOOK ASKANCE AT CURBING THEIR ABILITY TO CONTEST ELECTIONS AS INDEPENDENTS. THE VAGARIES OF EGYPTIAN ELECTORAL POLITICS AND THE WEAKNESS OF NDP PARTY DISCIPLINE ARE SUCH THAT MANY CURRENT NDP PARLIAMENTARIANS RAN IN THE 2005 ELECTIONS AS INDEPENDENTS, AND ONLY RE-JOINED THE PARTY AFTER WINNING THE ELECTION. A "QUOTA" PROPOSAL FOR A MINIMUM NUMBER OF WOMEN ON A PARTY LIST IS ALSO UNPOPULAR WITH MANY NDP MP'S, WHO ARE ANXIOUS THAT THEIR SEATS MAY BE CEDED. MINDFUL OF THE RUMBLINGS FROM WITHIN ITS OWN RANKS, THE NDP HAS PROCEEDED WITH CAUTION. NDP CONTACTS SAY THAT THE PARTY MAY LOOK TO THE "GERMAN MODEL" OF FIFTY-PERCENT OF PARLIAMENTARIANS BEING ELECTED IN SINGLE-SEAT CONSTITUENCIES ACCORDING TO A "FIRST-PAST-THE-POST" SYSTEM, WHILE THE OTHER FIFTY-PERCENT WOULD RUN ON PARTY LISTS ACCORDING TO A PROPORTIONAL REPRESENTATION SYSTEM.

-- NEW ANTI-TERROR LAW: THIS LAW, WHICH ONCE APPROVED WILL RESULT IN THE SUSPENSION OF THE INFAMOUS EMERGENCY LAW, IS STILL BEING DRAFTED BY AN INTERAGENCY COMMITTEE CHAIRED BY MINISTER OF STATE FOR PARLIAMENTARY AND LEGAL AFFAIRS MUFEED SHEHAB, WHICH INCLUDES MEMBERS FROM THE MOJ, MFA, AND MINISTRY OF INTERIOR. THE COMMITTEE HAS REPORTEDLY FINISHED DRAFTING ROUGHLY HALF OF THE ARTICLES. A CONTACT ON THE

COMMITTEE TOLD US THAT HE IS CONCERNED ABOUT THE HEAVY INFLUENCE OF THE MINISTRY OF INTERIOR IN THE DRAFTING PROCESS, AND THAT IT IS LIKELY THAT AN "OVERLY BROAD" DEFINITION OF TERRORISM MAY BE CODIFIED IN THE LAW. HUMAN RIGHTS GROUPS, INCLUDING AMNESTY INTERNATIONAL, OPPOSITION PARTIES, POLITICAL ACTIVISTS, AND THE MUSLIM BROTHERHOOD (MB) HAVE ALL BEEN VOCAL IN THEIR CONCERN ABOUT THE NEW LAW, FEARING THE PROMULGATION OF A DRACONIAN LAW THAT COULD BE USED TO TARGET DOMESTIC OPPONENTS OF THE EGYPTIAN REGIME, RATHER THAN TERRORISTS. RECENT PUBLIC COMMENTS FROM HIGH-RANKING GOE OFFICIALS HAVE DONE LITTLE TO ASSUAGE FEARS ABOUT THE POTENTIAL FAR-REACHING AUTHORITIES OF THE LAW. ACCORDING TO OUR BRITISH COLLEAGUES HERE, THE UK HAS QUIETLY INVITED SHEHAB AND A SMALL DELEGATION TO LONDON IN LATE JUNE, FOR "TECHNICAL CONSULTATIONS" WITH UK EXPERTS WHO WERE INVOLVED IN THE DRAFTING OF BRITAIN'S CT LEGISLATION. WE WILL STAY IN CLOSE TOUCH WITH THE BRITISH ON THIS.

-- LOCAL ADMINISTRATION LAW: THIS LAW IS EXPECTED TO GRANT LOCAL POPULAR COUNCILS GREATER RESPONSIBILITY IN MANAGING LOCAL AFFAIRS, PARTICULARLY IN TERMS OF THE AUTHORITY TO GENERATE REVENUES AND PREPARE THEIR OWN BUDGETS. IT MAY ALSO MAKE CHANGES TO THE LOCAL POPULAR COUNCIL ELECTIONS PROCESS BY REDUCING THE NUMBER OF REPRESENTATIVES ON EACH COUNCIL (NOTE: WHEN THE GOE POSTPONED THE 2006 LOCAL ELECTIONS UNTIL 2008, IT ARGUED THAT THE MOVE WAS NECESSARY TO ALLOW TIME TO PASS NEW LEGISLATION GOVERNING LOCAL ELECTIONS. END NOTE). THE LAW WILL BE BASED ON THE RECENT AMENDMENT OF CONSTITUTIONAL ARTICLE 161, WHICH NOW READS, "THE LAW SHALL GUARANTEE THE ENDORSEMENT OF DECENTRALIZATION AND REGULATE THE MEANS BY WHICH THE ADMINISTRATIVE UNITS CAN SUPPLY AND UPGRADE LOCAL FACILITIES AND SERVICES, DEVELOP IT, AND PROVIDE GOOD MANAGEMENT."

POLITICAL PARTIES LAW NOT ON THE
PARLIAMENTARY AGENDA

14. (C) AT THIS POINT, THE GOE HAS NO PLANS TO CHANGE THE RESTRICTIVE POLITICAL PARTIES LAW, WHICH GRANTS BROAD AUTHORITIES TO THE NDP-DOMINATED POLITICAL PARTIES COMMITTEE TO LICENSE AND SUSPEND POLITICAL PARTIES. THE POLITICAL PARTIES LAW IS A CLEAR OBSTACLE TO POLITICAL PARTY PLURALISM.

WE ARE FOCUSING TECHNICAL ASSISTANCE ON ENCOURAGING A NEW DRAFT LAW THAT WILL FOSTER DIVERSITY AND COMPETITION, TO BE DRAFTED BY CIVIL SOCIETY EXPERTS AND RELEVANT NGO'S. HOWEVER, WITHOUT THE POLITICAL WILL TO UNDERTAKE THE NECESSARY FOLLOW-ON GOVERNMENTAL DISCUSSION OF AMENDING THE LAW, THERE IS LITTLE CHANCE THAT ANY CHANGES WILL BE MADE TO IT.

USG ENGAGEMENT

15. (C) THE WIDE ARRAY OF DRAFT LEGISLATION PRESENTS AN OPPORTUNITY FOR DIRECT USG ENGAGEMENT WITH THE GOE ON THESE PENDING LAWS, BEYOND OUR TECHNICAL ASSISTANCE IN FUNDING NGO WORK. HOWEVER, DUE TO THE TIGHT LEGISLATIVE TIMELINE AND EGYPTIAN SENSITIVITY TO U.S. "INTERFERENCE," IT IS UNLIKELY THAT WE CAN POSITIVELY IMPACT THE LAWS SET TO BE PASSED THIS PARLIAMENTARY SESSION. WE WILL EXERT INFLUENCE WHENEVER POSSIBLE, BUT ALSO WILL FOCUS OUR EFFORTS ON THE LEGISLATION SCHEDULED FOR THE NEXT PARLIAMENTARY SESSION (WHICH BEGINS NOVEMBER 15). WE HAVE ALREADY ATTEMPTED TO ENGAGE WITH THE GOE REGARDING THE ANTI-TERROR LAW, ALTHOUGH OUR EFFORTS TO DATE HAVE BEEN REBUFFED. WE WILL CONTINUE TO WORK TO INFLUENCE POSITIVELY THE ANTI-TERROR AND ELECTORAL LAWS IN PARTICULAR, URGING THE GOE TO ADHERE TO INTERNATIONAL STANDARDS ON HUMAN RIGHTS AND POLITICAL FREEDOMS.

RICCIARDONE